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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/596,494	09/22/2006	Peter Niebling	INA-46	7307
20311 7590 12/24/2008 LUCAS & MERCANTI, LLP 475 PARK AVENUE SOUTH 15TH FLOOR NEW YORK, NY 10016				
EXAMINER				
CHARLES, MARCUS				
ART UNIT		PAPER NUMBER		
3656				
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12/24/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/596,494

Applicant(s)

NIEBLING ET AL.

Examiner

Marcus Charles

Art Unit

3656

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 September 2006.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-11 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 25 July 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

This is the first action relating to serial application number 10/596/494 filed 09-22-2006.

Claims 1-11 are currently pending.

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Drawings

2. The examiner has accepted the drawing filed with this application as formal drawing.

Specification

3. The disclosure is objected to because of the following informalities: It is not proper to include claim numerals in the description. Therefore, reference to claim 1 in page 2 should be deleted. In addition, it is not clear as to what the phrase "such as 100Cr6" because there is no description of "100Cr6" in the specification.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 4-5 and 11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 4, the intended scope of the claim is

unclear because the claim depends from itself. For the purpose of this office action the claim will be treated as if it depends from claim 3.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1, 3-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Tilch et al. (4,749,288). Tilch et al. discloses an outer ring (4) having a hollow cylindrical section (10) and having a flange (9) which leads radially outwards from the hollow cylindrical section (2c), the flange merging at a concave channel (8) into the cylindrical section, wherein the channel (8) as view in a longitudinal direction (see drawing illustration below) through the outer ring (4) along the rotational axis of the outer ring, merges into a face (see 9) of the flange at a first transition and into a circumferential surface (10) on the section at a second transition, and the perpendicular spacing between an imaginary axial extension of the circumferential surface (10) and the first transition being smaller than a spacing which is parallel to the rotational axis between the imaginary radial extension of the face and the second transition.

In claims 3-4, the channel of inherently includes the first and second radii as claimed.

In claim 5, note it is apparent that the first radii is small that the second radii.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 2 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tilch et al. Tilch et al. fail to disclose the ratio between the perpendicular spacing and the parallel spacing is at least 1:1.5 and the ratio between the first and second radius is 1:2.5. It should be noted that the channel of the claimed invention is similar to that of Tilch et al. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the channel of Tilch et al. to include the claimed ratio, since it has been held that where the general conditions of a claim is disclosed in the prior art, discovering the optimum ranges involves only routine skill in the art. In re Aller, 105 USPQ 233.

10. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tilch et al. Tilch et al. is silent as to how the flange and the outer ring are formed. However, the method of forming the device is not germane to the issue of patentability of the device itself. Therefore, this limitation has not been given patentable weight.

11. Claims 1 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dougherty (5,494,358) in view of Tilch et al. Dougherty discloses an outer ring (12) having a hollow cylindrical section and having a flange (20) which leads radially outwards from the hollow cylindrical section, the flange merging at a concave channel

(not labeled) into the cylindrical section, wherein the channel. Dougherty also disclose as view in a longitudinal direction, the outer ring (12) along the rotational axis of the outer ring, merges into a face of the flange at a first transition and into a circumferential surface on the section at a second transition but fails to disclose a perpendicular spacing between an imaginary axial extension of the circumferential surface and the first transition being smaller than a spacing which is parallel to the rotational axis between the imaginary radial extension of the face and the second transition. Tilch et al. clearly disclose the claimed invention as in paragraph 5 above. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the channel of Dougherty to include the features of the Tilch et al. in order to reduce contractional stress in the channel.

Regarding claim 7, Dougherty discloses the claimed invention including the outer ring (12) being supported in a wheel carrier (B) such that the carrier and the wheel carrier bears axially against flange and radially against the circumferential surface in such a way that the wheel carrier and the channel are spaced from one another at least as far as the transitions (see attached drawing)

In claims 9-11, Dougherty discloses the fastening element (22) engaging behind the flange on one side thereof, and passing through the recess of the flange to fasten the carrier.

In claim 11, note the recess is opened radially to the outside.

Citation

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Note the prior art cited in attached PTO Form 892.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marcus Charles whose telephone number is (571) 272-7101. The examiner can normally be reached on Monday-Thursday 7:30 am to 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ridley Richard can be reached on (571) 272-6917. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Marcus Charles
/Marcus Charles/
Primary Examiner, Art Unit 3656

Art Unit: 3656

